



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/709,038	11/10/2000	ROBERT A. KOCH	36968/202435	3243
7590	01/16/2007		EXAMINER	
Scott P. Zimmerman PLLC P.O.Box 3822 Cary, NC 27519			NEURAUTER, GEORGE C	
			ART UNIT	PAPER NUMBER
			2143	
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
3 MONTHS	01/16/2007	PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	09/709,038	KOCHE, ROBERT A.	
	Examiner	Art Unit	
	George C. Neurauter, Jr.	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 24 October 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,3,4,6-12,14-29 and 31-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,3,4,6-12,14-29 and 31-47 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2143

DETAILED ACTION

Claims 1, 3-4, 6-12, 14-29, and 31-47 are currently presented and have been examined.

It is noted for the record that a new Examiner has been assigned to this case. Any future correspondence regarding this case should be directed to the Examiner listed below.

Response to Arguments

Applicant's arguments with respect to claims 1, 3-4, 6-12, 14-29, and 31-47 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1, 3-4, 6-12, 14, 16-19, 21-29, and 31-47 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6 807 423 to Armstrong et al.

Art Unit: 2143

Regarding claim 1, Armstrong discloses a method for presenting presence information to a first user (referred to within the reference as "watching party"), comprising:

retrieving presence information of a second user ("watched party") indicating the second user's presence at a plurality of contact devices; and presenting the second user's presence information to the first user, the presence information indicating the second user's presence at the plurality of contact devices. (column 6, lines 48-61, specifically "give a list of available communication methods" to the first user; see also column 5, lines 24-55)

Regarding claim 3, Armstrong discloses the method of claim 1, further comprising receiving authorization to present the second user's presence information to the first user. (column 14, lines 4-8; column 15, line 60-column 16, line 12)

Regarding claim 4, Armstrong discloses the method of claim 1, wherein the retrieving the presence information comprises retrieving presence information for a plurality of addresses that represent at least one of different types of communications and different types of the contact devices. (column 3, lines 47-column 4, line 6)

Regarding claims 6 and 7, Armstrong discloses the method of claim 1, wherein presenting the second user's presence

Art Unit: 2143

information comprises presenting the presence information in an electronic interface including via at least one of a computer and a telephone. (column 1, lines 14-27; column 6, lines 48-61)

Regarding claim 8, Armstrong discloses the method of claim 1, wherein retrieving the presence information is at least in part determined based on a time or a day of week preference from a profile of the second user. (column 4, lines 6-10; column 6, lines 7-24, specifically lines 15-22; column 5, line 35)

Regarding claim 9, Armstrong discloses the method of claim 1, further comprising presenting a graphical indicator that indicates the second user's presence at the plurality of contact devices. (column 1, lines 14-27; column 6, lines 48-61)

Regarding claim 10, Armstrong discloses the method of claim 1, wherein presenting the presence information comprises causing display of the presence information to the first user. (column 1, lines 14-27; column 6, lines 48-61)

Regarding claim 11, Armstrong discloses the method of claim 1, wherein retrieving the presence information comprises at least one of i) querying a provider to determine the presence information and ii) querying a contact device to determine the presence information. (column 14, line 62-column 15, line 14; column 16, lines 42-55)

Art Unit: 2143

Regarding claim 12, Armstrong discloses a system for presenting presence information to a sender of a communication, comprising:

an input for receiving presence information of a recipient indicating the recipient's presence at a plurality of contact devices; and a processor coupled with the input, the processor causing presentation of the recipient's presence information to the sender, the presence information indicating the recipient's presence at a plurality of contact addresses (column 6, lines 48-61, specifically "give a list of available communication methods" to the sender; see also column 5, lines 24-55), the processor receiving a selection from the sender that selects a contact address to which the communication is addressed, and the processor initiating the communication to a destination, wherein the destination of the communication is the contact address selected by the sender. (column 6, lines 48-61, specifically lines 60-61) (note that the selection from the list is inherent within the teachings of Armstrong)

Regarding claim 14, Armstrong discloses the system of claim 12, wherein the processor initiates a telephone call to a telephone number associated with the selected contact address. (column 6, lines 9-13)

Art Unit: 2143

Regarding claim 16, Armstrong discloses the system of claim 12, wherein the processor initiates an electronic message to an email address. (column 6, lines 9-13)

Regarding claim 17, Armstrong discloses the system of claim 12, wherein the processor initiates an electronic message to a text messaging address. (column 6, lines 9-13; column 16, lines 30-41)

Regarding claim 18, Armstrong discloses the system of claim 12, wherein the processor processes the recipient's presence information for display to the sender. (column 1, lines 14-27; column 6, lines 48-61)

Regarding claim 19, Armstrong discloses the system of claim 12, wherein the processor presents a graphical indicator that indicates the recipient's presence at the plurality of contact device addresses. (column 1, lines 14-27; column 6, lines 48-61)

Regarding claim 21, Armstrong discloses the system of claim 12, wherein the processor retrieves the presence information by querying at least one of i) a provider and ii) the contact address to determine the presence information. (column 14, line 62-column 15, line 14; column 16, lines 42-55)

Regarding claim 22, Armstrong discloses the system of claim 12, wherein the selection from the sender is based on the

Art Unit: 2143

presence information. (column 6, lines 48-61, specifically lines 60-61)

Regarding claim 23, Armstrong discloses the system of claim 12, wherein the input that receives the presence information receives a notification that the contacts address is active. (column 14, line 62-column 15, line 14; column 16, lines 42-55)

Claims 24-29 and 31-35 are also rejected since these claims recite substantially the same limitations as recited in claims 12, 14-21, 23, and 22 respectively.

Regarding claim 36, Armstrong discloses a computer readable medium according to claim 24, further comprising instructions for causing display of an icon to indicate presence at least one of a phone, a personal digital assistant, a pager, a computer, and an interactive television. (column 1, lines 14-27; column 6, lines 48-61)

Claims 37-42 are also rejected since these claims recite substantially the same limitations as recited in claims 12, 14-17, and 22 respectively.

Claims 43-47 are also rejected since these claims recite substantially the same limitations as recited in claims 12, and 14-17 respectively.

Art Unit: 2143

2. Claims 1, 12, 24, 27, and 43 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6 714 519 to Luzzatti et al.

Regarding claim 1, Luzzatti discloses a method for presenting presence information to a first user, comprising: retrieving presence information of a second user indicating the second user's presence at a plurality of contact devices; and presenting the second user's presence information to the first user, the presence information indicating the second user's presence at the plurality of contact devices. (column 2, line 34-column 3, line 18)

Regarding claims 12, 24, 37, and 43, Luzzatti discloses a system, method, and electronic interface for presenting presence information to a sender of a communication, comprising:

receiving presence information of a recipient indicating the recipient's presence at a plurality of contact devices; and presenting of the recipient's presence information to the sender, the presence information indicating the recipient's presence at a plurality of contact addresses, the processor receiving a selection from the sender that selects a contact address to which the communication is addressed, and the processor initiating the communication to a destination, wherein the destination of the communication is the contact address

Art Unit: 2143

selected by the sender. (column 2, line 34-column 3, line 18; column 8, lines 1-9)

3. Claims 1, 12, 24, 27, and 43 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6 678 719 to Stimmel.

Regarding claim 1, Stimmel discloses a method for presenting presence information to a first user, comprising:

retrieving presence information of a second user indicating the second user's presence at a plurality of contact devices; and presenting the second user's presence information to the first user, the presence information indicating the second user's presence at the plurality of contact devices. (column 3, lines 20-52)

Regarding claims 12, 24, 37, and 43, Stimmel discloses a system, method, and electronic interface for presenting presence information to a sender of a communication, comprising:

receiving presence information of a recipient indicating the recipient's presence at a plurality of contact devices; and presenting of the recipient's presence information to the sender, the presence information indicating the recipient's presence at a plurality of contact addresses, the processor receiving a selection from the sender that selects a contact address to which the communication is addressed, and the

Art Unit: 2143

processor initiating the communication to a destination, wherein the destination of the communication is the contact address selected by the sender. (column 3, lines 20-52)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 15 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6 807 423 to Armstrong et al in view of US Patent 6 714 519 to Luzzatti et al.

Art Unit: 2143

Regarding claim 15, Armstrong discloses the system of claim 12.

Armstrong does not disclose wherein the processor initiates an Internet Telephony call from the sender to the recipient, however, Luzzatti does disclose these limitations within the context of selection of a plurality of recipient devices by a sender after retrieving the presence of the recipient at each of the plurality of devices (column 1, line 41; column 2, line 34-column 3, line 18; column 5, lines 39-45, specifically lines 40-41).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of these references since Luzzatti discloses that Internet Telephony calls are used to initiate communications between two users over the Internet (column 1, lines 38-54). In view of these specific advantages and that the references are directed to retrieving a presence of a recipient at a plurality of devices and selecting, by a sender, a specific device to initiate communications, one of ordinary skill would have been motivated to combine these references and would have considered them to be analogous to one another based on their related fields of endeavor, which would lead one of ordinary skill to reasonably expect a successful combination of the teachings.

Art Unit: 2143

Regarding claim 20, Armstrong discloses the system of claim 12.

Armstrong does not expressly disclose wherein the processor causes display of an icon to initiate the communication from the sender to the address associated with the selected contact addresses, however, Armstrong does disclose displaying graphical indicators that indicates the recipient's presence at the plurality of contact device addresses and inherently allows the sender to select an address to initiate communications (column 1, lines 14-27; column 6, lines 48-61).

Luzzatti discloses wherein a processor causes display of an icon in the context of displaying presence information to a sender. (column 3, lines 6-17; column 5, lines 20-25)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Armstrong to include the graphical icon of Armstrong since one of ordinary skill would have found it obvious that, in view of the teachings of Armstrong and Luzzatti and the knowledge of one of ordinary skill in the art, the use of an icon on a graphical user interface is used to indicate information to a user and allow the user to select information on a display by visual inspection. Therefore, the teachings of these references would have reasonably suggested to one skilled in the art that

Art Unit: 2143

using an icon as disclosed in Luzzatti within a list of available communication methods which allows the sender to select an address to initiate communications would have been obvious in view of the teachings of these references. In view that the references are directed to retrieving a presence of a recipient at a plurality of devices and selecting, by a sender, a specific device to initiate communications using a graphical user interface, one of ordinary skill would have been motivated to combine the teachings of these references and would have considered them to be analogous to one another based on their related fields of endeavor, which would lead one of ordinary skill to reasonably expect a successful combination of the teachings.

Conclusion

It is noted that the column, line, and/or page number citations used in the prior art references as applied by the Examiner to the claimed invention are for the convenience of the Applicant to represent the relevant teachings of the prior art. The prior art references may contain further teachings and/or suggestions that may further distinguish the citations applied to the claims, therefore, the Applicant should consider the entirety of these prior art references during the process of responding to this Office Action. It is further noted that any

Art Unit: 2143

alternative and nonpreferred embodiments as taught and/or suggested within the prior art references also constitute prior art and the prior art references may be relied upon for all the teachings would have reasonably suggested to one of ordinary skill in the art. See MPEP 2123.

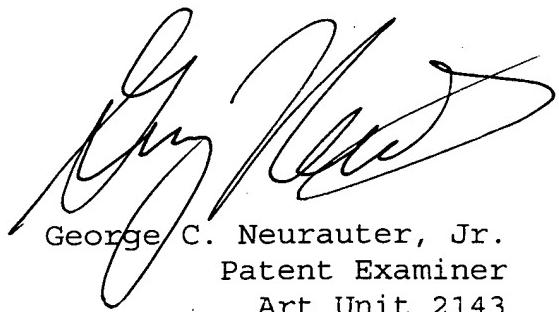
The prior art listed in the PTO-892 form included with this Office Action disclose methods, systems, and apparatus similar to those claimed and recited in the specification. The Examiner has cited these references to evidence the level and/or knowledge of one of ordinary skill in the art at the time the invention was made, to provide support for universal facts and the technical reasoning for the rejections made in this Office Action including the Examiner's broadest reasonable interpretation of the claims as required by MPEP 2111 and to evidence the plain meaning of any terms not defined in the specification that are interpreted by the Examiner in accordance with MPEP 2111.01. The Applicant should consider these cited references when preparing a response to this Office Action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George C. Neurauter, Jr. whose telephone number is 571-272-3918. The examiner can normally be reached on Monday-Friday 9am-5:30pm.

Art Unit: 2143

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley, can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



George C. Neurauter, Jr.
Patent Examiner
Art Unit 2143